

DCO-041

February 20, 2019

UNITED STATES COURT OF APPEALS  
FOR THE THIRD CIRCUIT

NATIONAL LABOR RELATIONS BOARD

Petitioner

v.

FRANSULA FOODS, LLC D/B/A  
GF-EAST PATERSON FOODS, LLC

Respondent

No.

Board Case Nos.

22-CA-196390

22-CA-199467

22-CA-208888

JUDGMENT

Before: JORDAN GREENAWAY, JR and NYGAARD, Circuit Judges

THIS CAUSE was submitted upon the application of the National Labor Relations Board for the enforcement of a certain order on consent issued by it against Respondent, Fransula Foods, LLC d/b/a GF-East Paterson Foods, LLC, their officers, agents, successors, and assigns, on December 21, 2018, in Board Case Nos. 22-CA-196390, 22-CA-199467 and 22-CA-208888; and upon the record in that proceeding, certified and filed in this Court enforcing the order.

ON CONSIDERATION WHEREOF, it is ordered and adjudged by the United States Court of Appeals for the Third Circuit that the order of the National Labor Relations Board be, and the same is hereby enforced; and that the Respondent, Fransula Foods, LLC d/b/a GF-East Paterson Foods, LLC, their officers, agents, successors, and assigns, abide by and perform the directions of the Board set forth in its order. (See Attached Order and Appendix)

Mandate shall issue forthwith.

BY THE COURT

*Joseph A. Greenaway, Jr.*  
Circuit Judge

DATED: March 14, 2019

NATIONAL LABOR RELATIONS BOARD

v.

FRANSULA FOODS, LLC D/B/A GF-EAST PATERSON FOODS, LLC

**ORDER**

Fransula Foods, LLC d/b/a GF-East Paterson Foods, LLC, Paterson, New Jersey, its officers, agents, successors, and assigns, shall:

1. Cease and desist from:
  - (a) Unilaterally decreasing work hours without first notifying and bargaining with the Union;
  - (b) Unilaterally rescinding the decrease in work hours without first notifying and bargaining with the Union;
  - (c) Preparing and circulating letters encouraging employees to withdraw from the Union;
  - (d) Threatening employees with plant closure if the Union secures a collective-bargaining agreement;
  - (e) Bargaining with the Union without a representative authorized to make decisions on behalf of the Respondent; and
  - (f) In any other manner interfering with, restraining, or coercing employees in the exercise of the rights guaranteed by Section 7 of the Act.
2. Take the following affirmative action necessary to effectuate the policies of the Act:
  - (a) Bargain in good faith with the Union by having a representative at collective-bargaining negotiations who is authorized to make decisions on behalf of the Respondent;
  - (b) Within 14 days of service by the Region, make whole employees Omar Almonte Jimenez, Ricardo Correa, Enrique Gonzalez, Samuel Sosa, and Jose Roberto Silva, for wages lost as a result of the Respondent's unilateral changes, by payment to each of them in the amount opposite each name below. The Respondent will make appropriate withholdings for each named employee. No withholdings should be made from the interest portion. The Respondent will also file a report with the Region allocating the payment(s) to the appropriate time periods.

<b>Name</b>	<b>Wages</b>	<b>Interest</b>	<b>Total</b>
Omar Almonte Jimenez	\$120.00	\$5.00	\$125.00
Ricardo Correa	\$282.00	\$12.00	\$294.00
Enrique Gonzalez	\$220.00	\$9.00	\$229.00
Samuel Sosa	\$231.00	\$9.00	\$240.00
Jose Roberto Silva	\$124.00	\$5.00	\$129.00
<b>TOTAL DUE:</b>			<b>\$1,017.00</b>

- (c) Within 14 days of service by the Region:
- (i) Post at its facility, copies of the attached Notice marked as “Appendix A”;
  - (ii) Copies of the Notice, on forms provided by the Regional Director for Region 22, after being signed by the Respondent’s authorized representative, shall be posted by the Respondent and maintained for 60 consecutive days in conspicuous places at the Respondent’s Paterson facility, including all places where notices to employees are customarily posted. The Respondent will take reasonable steps to ensure that the Notices are not altered, defaced, or covered by any other material;
  - (iii) In the event that, during the pendency of these proceedings, the Respondent has closed the facility involved in these proceedings, the Respondent shall duplicate and mail, at its own expense, a copy of the Notice to all current employees and former employees employed by the Respondent at the closed facility at any time since September 1, 2016.
  - (iv) Within 21 days after service by the Region, file with the Regional Director for Region 22 a sworn certification of a responsible official on a form provided by the Region attesting to the steps the Respondent has taken to comply. The Regional Director shall be supplied a copy of the documents signed by the member of store management, attesting to the dates that the notices were received at the Paterson facility, and the dates that the notices were posted.

**APPENDIX A**

**NOTICE TO EMPLOYEES**

**POSTED BY ORDER OF THE  
NATIONAL LABOR RELATIONS BOARD  
An Agency of the United States Government**

**PURSUANT TO A STIPULATION PROVIDING FOR A BOARD ORDER  
AND A CONSENT JUDGMENT OF ANY APPROPRIATE  
UNITED STATES COURT OF APPEALS**

**FEDERAL LAW GIVES YOU THE RIGHT TO:**

To form, join, or assist a union

Choose a representative to bargain with us on your behalf;

Act together with other employees for your benefit and protection

Choose not to engage in any of these protected activities.

**WE WILL NOT** do anything to prevent you from exercising the above rights.

**WE WILL NOT** change the number of hours you work without first notifying and bargaining with the Union.

**WE WILL NOT** prepare and circulate letters encouraging you to withdraw from the Union.

**WE WILL NOT** threaten you with closing the supermarket if the Union secures a collective-bargaining agreement.

**WE WILL NOT** bargain with the Union without a representative authorized to make decisions on behalf of the supermarket.

**WE WILL NOT** in any other manner interfere with your rights under Section 7 of the Act.

**WE WILL** make whole Employees Omar Almonte Jimenez, Ricardo Correa, Enrique Gonzalez, Samuel Sosa, and Jose Roberto Silva for any loss of pay suffered because we reduced their working hours without first notifying and bargaining with the Union.

**WE WILL** bargain in good faith with the Union by having a representative at collective-bargaining negotiations who has the authority necessary to enter into a binding agreement on behalf of the supermarket.

**FRANSULA FOODS, LLC  
D/B/A GF-EAST PATERSON FOODS, LLC**

The Board's decision can be found at [www.nlr.gov/case/22-CA-196390](http://www.nlr.gov/case/22-CA-196390) or by using the QR code below. Alternatively, you can obtain a copy of the decision from the Executive Secretary, National Labor Relations Board, 1015 Half Street, S.E., Washington, D.C. 20570, or by calling (202) 273-1940.

